

Message Text

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ACTION EUR-10

INFO OCT-01 ISO-00 IO-03 CIAE-00 DODE-00 PM-03 H-01 INR-10

L-02 NSAE-00 NSC-07 PA-01 RSC-01 PRS-01 SP-02 SS-14

USIA-04 COME-00 EB-03 LAB-01 SIL-01 SAJ-01 SAM-01

ACDA-10 TRSE-00 CIEP-01 DRC-01 EURE-00 /079 W

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P 101554Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5577

INFO AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION BERLIN

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E.O. 11652: N/A

TAGS: PGOV, ELAB, GW

SUBJECT: LEGAL OPINION ON FRG CODETERMINATION LEGISLA-
TION ADOPTED BY AMERICAN CHAMBER OF COMMERCE IN GERMANY

REF: (A) PFUND/TRIMBLE LETTERS OF JUL 10 AND MAR 18,74;

(B) BONN 626; (C) BONN 6262; (D) (BONN 4004;

(E) BONN 14562; (F) BONN 15458; (G) BONN 15676.

1. A MINISTRY OF LABOR REPRESENTATIVE HAS REFERRED IN
CONVERSATION WITH LABATT TO THE LETTER FROM THE AMERI-
CAN CHAMBER OF COMMERCE IN GERMANY (ACCG) TRANSMITTING
THE CHAMBER'S LEGAL STUDY ON CODETERMINATION.

2. ACCORDING TO THIS LABOR MINISTRY INFORMANT, HEARINGS
ON THE CODETERMINATION BILL HAVE STARTED IN THE BUNDES-
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TAG AND THE ISSUE OF THIS ACCG LETTER MAY ARISE AND COULD

BECOME A FOCUS SOON OF A POLITICAL DISPUTE ON ALLEGED US INTERVENTION IN FRG INTERNAL AFFAIRS. HE INQUIRED WHETHER THE ACCG IS A QUASI PUBLIC AGENCY SIMILAR TO GERMAN CHAMBERS OF INDUSTRY AND COMMERCE (INDUSTRIE UND HANDELSKAMMERN) AND THE NATIONAL FEDERATION OF CHAMBERS OF INDUSTRY AND COMMERCE (DEUTSCHER INDUSTRIE UND HANDELSTAG). HE ALSO INQUIRED WHETHER THIS STUDY HAD SUPPORT OF THE US GOVERNMENT.

3. AS AN INTERIM REPLY TO THIS INQUIRY, THE EMBASSY CONFIRMED THAT THE UNITED STATES GOVERNMENT ALSO HAS RECEIVED A COPY OF THIS STUDY FROM THE ACCG, WHICH IS A PRIVATE ASSOCIATION OF MANY AMERICAN FIRMS OPERATING IN THE FRG. WE ADDED THAT THE STUDY IS CURRENTLY BEING REVIEWED BY THE US GOVERNMENT.

4. THE SCHMIDT GOVERNMENT'S PROPOSED BILL ON CODETERMINATION IS ITS TOP PRIORITY DOMESTIC REFORM LEGISLATION AND THE GOVERNMENT IS STRONGLY COMMITTED TO PASS THIS LEGISLATION SOON. UP TO THE PRESENT TIME THE DISCUSSION ON CODETERMINATION HAS BEEN STRICTLY AN INTERNAL MATTER, BUT COULD WELL BECOME A FOCUS OF ACCUSATIONS OF US INVOLVEMENT IN GERMAN DOMESTIC POLITICS. AS MENTIONED IN BONN 14562, IF WE ARE TO TAKE UP CUDGELS ON BEHALF OF OUR FIRMS, WE SHOULD HAVE A FIRM LEGAL AND POLITICAL BASIS FOR OUR INTERVENTION. THE RECEIPT OF WASHINGTON'S VIEWS IS BECOMING A MATTER OF URGENCY.

5. ACTION REQUESTED: THE EMBASSY WOULD APPRECIATE RECEIVING AS SOON AS POSSIBLE FROM DEPARTMENT COORDINATED REACTION TO THE CHAMBER'S LEGAL OPINION.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, CHAMBERS OF COMMERCE
Control Number: n/a
Copy: SINGLE
Draft Date: 10 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: shawdg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BONN16036
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740288-0637
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741057/aaaabwrz.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) PFUND/TRIMBLE LETTERS OF JUL 10, AND MAR 18,74;
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 13 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 MAY 2002 by boyleja>; APPROVED <13 MAR 2003 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LEGAL OPINION ON FRG CODETERMINATION LEGISLA- TION ADOPTED BY AMERICAN CHAMBER OF COMMERCE IN GERMANY
TAGS: PGOV, ELAB, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005